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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

2018 JUN -5 AM 9:59

KELVIN FORD and
TASHA FORD,

Plaintiffs,

v.

SPECIALIZED LOAN SERVICING, LLC,
JPMORGAN CHASE BANK, N.A.,
SHAPIRO & INGLE, LLP,
MARATHON MANAGEMENT, LLC,
MARVIN'S GARDEN, LLC, and
AUCTION.COM, INC.

Defendants.

Civil Action No.
2:16-cv-02414-JPM-tmp

PLAINTIFFS' MOTION TO ALTER OR AMEND JUDGMENT

Plaintiffs Kelvin and Tasha Ford ("Fords"), without counsel, respectfully request this Court to alter or amend the Judgment entered on May 4, 2018 (ECF No. 187.) pursuant to Fed. R. Civ. P. 59(e). In support of its Motion, the Fords present the following:

Although attorneys Bo Luxman of the Luxman Law Firm and Webb A. Brewer of the Law Offices of Webb A. Brewer, PLC may be listed as counsel of record, they informed the Fords on or about April 12, 2018, that they no longer represented them after the Judgment (ECF No. 181.) was entered on March 19, 2018, unless a new fee agreement was made. The Fords did not reach a new fee agreement with Mr. Luxman and Mr. Brewer.

After the Fords filed their Motion to Alter or Amend Judgment (ECF No. 182) on April 16, 2018, the Fords were completely unaware that any documents were filed by defendants until Mr. Ford received a phone call from Webb A. Brewer on May 4, 2018. During that

conversation, Mr. Brewer assured Mr. Ford that they would file a motion to withdraw and that should resolve the issue. In addition, Mr. Brewer assured Mr. Ford that he would send all the filed documents to the Fords via email. To date, neither Mr. Luxman or Mr. Brewer sent the Fords any documents, nor does it appear that they filed a motion to withdraw. In addition, both former attorneys did not return calls.

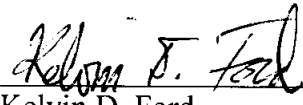
This Court entered an Order Granting Motion to Strike on May 4, 2018. (ECF No. 187.) The Fords obtained a copy of this Order, along with a copy of the other documents that were filed since April 16, 2018, by going to the Federal Court Clerk's Office on June 1, 2018.

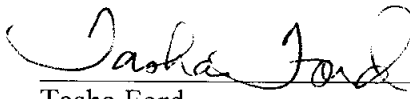
According to prevailing Sixth Circuit case law, it is within the discretion of the Court whether a represented party should be allowed to act *pro se* while represented. *See, United States v. Mosely*, 810 F. 2d 93, 98 (6th Cir. 19870); *see also, United States v. Clark*, 250 F. Supp. 856, 856 (S. D. Ohio, 2002). Moreover, this situation is different from that in *Chasteen v. Jackson*, 2012 WL 1564493 (S.D. Ohio, May 3, 2012), where the party filed a supplemental pleading after his counsel had filed a response to a Motion for Summary Judgment. In this case, the Fords filed a Rule 59 Motion to Alter or Amend and their counsel did not file anything; therefore, the Fords and counsel are not filing or responding to the same documents, as in *Chasteen*. It is submitted that under the circumstances of this case, it would be appropriate for the Court to alter or amend the Order Granting Motion to Strike (ECF No. 187.) by denying said motion and permit the Fords to resume their *pro se* representation.

The Fords should not be penalized for the inactions of their former attorneys. Had Mr. Luxman or Mr. Brewer informed the Fords in a timely fashion about the Defendants' Motion to Strike, the Fords would have responded to said motion and requested a hearing on the matter.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Kelvin and Tasha Ford hereby respectfully request this honorable Court to alter or amend the Order Granting Motion to Strike (ECF No. 187.) and deny said motion. In the alternative, the Fords request that this honorable Court to alter or amend the Order Granting Motion to Strike (ECF No. 187.) and grant a hearing on Defendant's Motion to Strike. (ECF No. 184.) Further, the Fords request to be permitted to resume *pro se* representation.

Respectfully submitted,


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CERTIFICATE OF SERVICE

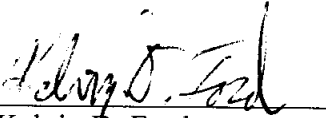
I certify that, on June 5, 2018, the foregoing document has been served upon all counsel of record for the parties at interest in this cause by placing a true and correct copy of same in the United States mail, postage prepaid, in a properly addressed envelope.

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